

# A Bit of History - OSS

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# The State Board of Health

- State Legislature Relationship
  - Legislature develops laws through RCW
  - RCW's declare intent through legislation
  - BOH develops rules through WAC
  - WAC's implement intent through rules
- Local Board of Health Relationship
  - SBOH rules set minimum requirements
  - LBOH adopt local rules equal to or more stringent than SBOH rules

# The State Board of Health

## ■ Rulemaking

- Defined by Administrative Procedures Act
- CR 101
- CR 102
- CR 103

# The State Board of Health

## The CR 101

- Characterizes the problem, starts the process
- Draft rules are written
- Length of time – few months up to years
- OSS Rules – Jan, 2002

# The State Board of Health

## The CR 102

- Formal hearing
- Length of time – 180 days
- OSS Rules – Feb, 2004 (tentative)

# The State Board of Health

## The CR 103

- Adoption of rule
- Length of time – rule in effect 31 days after CR 103 signed

# The 60's and 70's

## Factors affecting OSS

1. Second home subdivisions  
e.g., Ocean Shores, East Douglas County
2. Growth management concerns  
e.g., Change in policy – permanent vs. temporary systems
3. Technology  
e.g., Jet aeration systems
4. Few standards (USPHS document #526)  
e.g., public water requirements, plat reviews, slopes; less than half of locals with rules, state's role: Technical assistance and advise

# Response to the Issues

Rule development committee (1971)

Rule draft presented to SBOH (1972)

Rule development committee with broader stakeholder representation.

Rules adopted in 1974

- TRC process

- local rules okay, but needed to be approved against state standards



# The 70's and 80's

## Factors affecting OSS

1. Local vs. state rules
2. Continued growth of on-site technology
  - Lack of capacity to review
  - Role of locals and the appeal process
3. The Growth Management Act
4. Adequately trained professionals (designers, engineers, installers, regulators)
5. Lawsuit regarding professional licensure

# Response to the issues

Minor rule change in 1983 (soils terminology and loading rates)

Major revision process to OSS rules started in 1989

- Passing parade of stakeholders
- The "process"

# Words characterizing the process

- Contentious
- Self-interests
- Uncompromising
- Political (involvement by legislature)
- Posturing
- Breaking ranks after agreements
- Lengthy (6 years)

# Current Rules (WAC 246-272)

- Adopted by SBOH in March 1994, went into effect January, 1995
  - On-site Advisory Committee
  - Mandated local O&M Programs by 2000

# On-Site Advisory Committee Recommendations

- 55 recommendations for enhancing current rules
- Three priority areas
  - O & M Initiatives
  - Rule Development Initiatives
  - Funding Initiatives

# Desired process

- Fact-based
- Problem clarification
- Common Ground
- Compromising/Consensus building
- Shorter time period
- Broad stakeholder input/involvement
- Answers the question: "To what end?"